

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT

No. 2:20-cv-00131-KJM-AC PS

Plaintiff,

ORDER

CITY OF STOCKTON, et al.,

Defendants.

On March 2, 2020, this court rejected plaintiff's complaint on screening but granted leave to amend within 30 days. ECF No. 3. That deadline passed, and plaintiff did not file the anticipated amended complaint; the court issued an Order to Show Cause. ECF No. 4. The court warned that failure to timely file an Amended Complaint could be grounds for dismissal for lack of prosecution. *Id.* Plaintiff timely responded, stating that he had never received the initial order rejecting the complaint with leave to amend. ECF No. 5.

The docket indicates service was completed by mail on March 2, 2020, and there is no indication that the mail was returned as undeliverable. Nonetheless, out of an abundance of caution, the undersigned will direct the clerk of court to re-serve the initial order rejecting plaintiff's complaint with leave to amend and provide plaintiff an additional 30 days to amend. Should plaintiff again fail to timely file an Amended Complaint, allegations that the mail was not received will not be considered good cause for failure to timely file.

1 Good cause appearing, IT IS HEREBY ORDERED that the Clerk of Court serve plaintiff
2 with this minute order and the order rejecting plaintiff's complaint with leave to amend at ECF
3 No. 3. Plaintiff shall have 30 days from the date of this order to file an Amended Complaint. If
4 plaintiff fails to timely file an Amended Complaint, the court may recommend dismissal of his
5 case pursuant to Local Civil Rule 110.

6 || DATED: April 14, 2020

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE